REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1-10 and 13-20 are active in the application and are subject to a requirement for restriction.

As a preliminary matter, this application is a Section 371 national filing of PCT/IT2004/000375 of July 6, 2004 which, in turn claims benefit of UK application no. 0316910.9 of July 18, 2003. The Office acknowledged receipt of the priority documents filed January 5, 2006 in the Notice of Acceptance of Application Under 35 USC §371 and 37 CFR §1.495 mailed April 13, 2006, a copy of which is attached. In the next correspondence the examiner is requested to acknowledge receipt of the certified copy of the priority document.

In addition, the application includes six sheets/7 figures of drawings and as this is a national stage entry counsel assumes that the drawings are acceptable. However, applicants request that the examiner indicate in the next communication that the drawings are acceptable (or otherwise state).

In response to the requirement for restriction applicants elect Group II. This response is made without disclaimer and without prejudice to a divisional application(s) directed to non-elected subject matter.

The elected species is (Z)-1,2-difluoro-1-(3,4,5-trimethoxyphenyl)-2-(3-hydroxy-4-methoxyphenyl)ethane o-disodium phosphate (ST2493), whose preparation is shown on page 19 and pharmacological activity from page 22.

Claim 1 is amended to correct an obvious error and the supporting reasons are as follows:

the wording:

"X and Y, different each other, are halogen or H"

is replaced/corrected with the wording:

"X and Y are halogen or H with at least one of them being halogen".

The same error as in claim 1 has inadvertently been made in the specification at page 3 of the description, 5th written line after Formula (I) and is corrected above.

This correction finds support in the patent application as filed in the description at page 5, fifth, sixth and eighth written line in the paragraph reporting the particularly preferred compounds.

Moreover page 6, second paragraph, the drawings (figures 1, 2, 4 and 5) and the examples (ST2303, ST2493 and ST2578) provide support for the synthesis and biological activity of di-halogenated combretastatin derivatives, which would be otherwise excluded from protection by the original wording of claim 1.

Analogously claims 5 and 15, which were intended to be dependent from claim 1, would otherwise refer to compounds not encompassed by the "parent" claim. The wording "X and Y, different each other, are halogen or H" was clearly intended to exclude prior art compounds corresponding to derivatives wherein X = Y = H, but it was always intention of the Applicant to describe and claim compounds wherein X = Y = halogen, otherwise it would not make any sense to synthesize, test, describe and claim, as preferred embodiments all the di-fluoro or fluoro-bromo)-combretastatin derivatives, which are reported in the present application.

An amendment to claim 1 is also necessary in view of DATABASE BEILSTEIN, XP0023132836, accession n. 8149397 & Bull. Chem. Soc. JPN. Vol. 71, no. 12, 1998, pages 2903-2922 (*see* the Information Disclosure Statement filed on January 5, 2006).

This amendment has been made in view of the compound of the above document. Cancelling the residue OR' from the possible meanings of residue R renders claim 1 novel. The compound reported in the above reference corresponds to the case where R^1, R^2 and R^3 represent H, R represents OMe and X and Y represent F.

As general comment on the remaining documents listed in the above IDS, they all refer to combretastatin derivatives different from those of the present application in the sense that, contrary to the ones of the application under examination, none of these prior art compounds present any halogen atom on the double bond. It is indeed specified in the description (p3) as well as in the claims (p 27, claim 1) that the residues X and Y are halogen or H with at least one of them being halogen. Therefore the double bond is at least tri-substituted and consequently such derivatives differ from any compound mentioned in the cited prior art documents, and as a result, claim 1 has to be considered novel.

Original "use of ..." claims 13-18 have been amended and directed to the traditional method of medical treatment format. Claims 13-17 are directed to the treatment of tumors. Claim 18 is directed to treating a non-neoplastic disease (*see* page 9, lines 6-9) and new

dependent claim 20 is directed to a specific embodiment, ischemia-induced proliferative retinopathy (*see* page 9, line 8).

Claim 10 is revised and directed to methods of inhibiting tubulin polymerization (*see* page 25, last paragraph).

Claims 11 and 12 are cancelled as non-statutory.

The examiner is invited to contact the undersigned if any further information is required.

An examination on the merits is awaited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

Arthur R. Crawford
Reg. No. 25,327

ARC:eaw
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100